

PATENT
Serial No. 09/829,794
Amendment in Reply to Office Action mailed on December 23, 2005

REMARKS

This Amendment is being filed in response to the Office Action dated December 23, 2005, which has been reviewed and carefully considered. Reconsideration and allowance of the application in view of following remarks is respectfully requested.

By means of the present amendment, claim 21 has been amended to correct a clerical error as correctly noted by the Examiner on page 13 of the Office Action. Claim 21 was not amended in order to address issues of patentability and Applicant respectfully reserves all rights they may have under the Doctrine of Equivalents.

In the Office Action, claims 1-3 and 5-14 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. 5,551,077 (Oda) in view of U.S. 6,317,593 (Vossler). Further, claims 15-16 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Oda in view of Vossler and U.S. 6,408,196 (Sheynblat). Claims 17-18 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Oda, in view of Vossler, Sheynblat and U.S. 6,311,081 (Northcutt). In addition, claim 4 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Oda, in view of Vossler and

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U.S. 5,036,532 (Metroka). Claim 19 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Oda, in view of Vossler, Sheynblat and Metroka. Claim 20 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Oda, in view of Vossler, Sheynblat, Metroka and U.S. 5,995,814 (Yeh). Finally, claims 21-22 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Oda, in view of Vossler and Northcutt. It is respectfully submitted that claims 1-22 are patentable over Oda, Vossler Sheynblat, Northcutt, Metroka and Yeh for at least the following reasons.

Oda is directed to a portable telephone having a main power source 2 and an auxiliary power source 3 as shown in FIG 1. As correctly noted by the Examiner, Oda does not teach or suggest means for automatically and periodically updating a start time, as recited in independent claim 1, and similarly recited in independent claims 6, 15 and 21. Vossler is cited in an attempt to remedy this deficiency in Oda.

Vossler is directed to an intelligent cellular telephone function having a controller with automatic scheduler which activates and deactivates phone functions according to entries made

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by a user and stored as a schedule table, shown in FIG 4. (See column 4, line 8; and column 5, lines 48-49, lines 60-61) That is, a user selects scheduling activation/deactivation times which are then stored in RAM 154 (FIG 1), as a one time event or a repeating event. The repeating scheduling times are stored as a schedule table shown in FIG 4.

It is respectfully submitted that Vossler does not teach or suggest means for automatically and periodically updating a start time, as recited in independent claim 1, and similarly recited in independent claims 6 and 21. Any changes or updates are made by a user. Even the table of repeating scheduling times are NOT updated, but (once determined) is merely stored in RAM 154 as individual static entries in a table format.

Oda and Vossler, and combination thereof, do not teach or suggest means for automatically and periodically updating a start time, wherein the auxiliary power source does not supply power to the updating means when the main power source is incapable of supplying power, as recited in independent claim 1, and similarly recited in independent claims 6, 15 and 21.

This provides substantial benefits, such as allowing the

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current time to reach the start time (which is no longer automatically and periodically updated when the main power source is incapable of supplying power to the updating means). When the start time is reached during a main power interrupt, the starting means starts the device, for example.

Sheynblat, Northcutt, Metroka and Yeh are cited in rejecting other claims and/or to allegedly show other features and do not remedy the deficiencies in Oda and Vossler.

Accordingly, it is respectfully submitted that independent claims 1, 6, 15 and 21 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-5, 7-14, 16-20 and 22 should also be allowed based at least on their dependence from independent claims 1, 6, 15 and 21.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of

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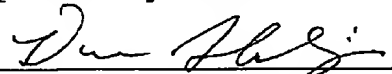
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the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due beyond the fee for two additional independent claims as authorized to be charged by the included credit card authorization form. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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